

Oneida Nation of Wisconsin

(WQS were federally approved in 1996 and then rescinded after a lawsuit.)

SOURCE: Oneida Nation Water Quality Standards, hard copy provided by contact

Article VII. Narrative Criteria

- 7-1. Narrative criteria shall be used to guide water management decisions and activities that affect the Waters of the Reservation, and to protect and enhance water quality. The following narrative criteria shall apply to all Waters of the Reservations provided, however, where more stringent criteria exist, the stricter standards shall supersede.
- 7-2. All Waters of the Reservation shall be free from:
- a. pollutants in quantities that, either alone or as a result of interaction with other pollutants, cause any designated use to become impaired.
 - b. pollutants in quantities that produce or contribute to the production of nuisance aquatic life.
 - c. pollutants in quantities that produce objectionable color, odor, taste or turbidity.
 - d. hazardous substances, toxic corrosive, nonconventional materials concentrations, or other deleterious substances, chemicals, and materials, which alone or in combination with other substances or in combination with other components of discharges, or their breakdown products, are acutely or chronically toxic, carcinogenic, teratogenic, and injure, or bioaccumulate, biomagnify, bioconcentrate, or produce adverse physiological responses in human beings and/or fish and aquatic life, or which interfere directly or indirectly with designated, existing, or other uses.
 - e. exotic nuisance species, e.g. purple loosestrife, zebra mussels, etc.
 - f. toxic pollutants in quantities that result bioaccumulation in aquatic organisms leading to toxicity to consumers of the aquatic organisms.
 - g. excess nutrients that may cause a condition harmful to human health, decrease fish habitat, cause nuisance aquatic growths, or that in any way impair designated uses. Nitrogen and phosphorous concentrations shall not exceed the levels stated in Article XIII of this document.
 - h. microorganisms at levels that make recreation in and on Reservation waters unsafe.
 - i. floating debris, oil, scum and other floating materials as a result of human activity in amounts sufficient to be unsightly, cause degradation or impair designated uses.
 - j. materials entering the waters as a result of human activity producing color, odor, taste or other conditions in amounts sufficient to be unsightly, cause degradation or in any way impair designated uses.

- k. substances other than from natural causes that may settle to form objectionable deposits or adversely impact designated uses.
 - l. contaminants, from other than natural causes, that may settle or remain suspended that have a deleterious effect on the aquatic life or that will significantly alter the physical or chemical properties of the water body or that in any way impairs designated uses.
- 7-3. All wetlands shall be protected to maintain and restore their natural physical, biological, and chemical characteristics, including substrate, vegetative and hydrological conditions necessary to support natural amounts of native vegetation, maintain natural hydrodynamics and maintain natural water temperature variations that are necessary to protect and support all existing and designated uses.
- 7-4. All naturally occurring biological communities and the habitat needed to support them shall be maintained and protected in all waters and wetlands of the Reservation at all times.
- 7-5. Concentrations of radioactive materials shall not exceed concentrations caused by local naturally occurring materials.
- 7-6. All Waters of the Reservation shall be free from unauthorized discharges at all places at all times.
- 7-7. Any activity that allows storm discharges or base flow conditions to significantly degrade stream morphology or result in a waterway's inability to maintain existing aquatic life shall be prohibited. Cumulative impacts of any such activity shall be considered.
- 7-8. Waters contained in intermittent and ephemeral streams shall meet all water quality criteria applicable to any perennial streams to which they are tributaries.
- 7-9. All criteria should be met at all times and all locations, including low flow rates. However, allowance may be made for mixing, on a case by case basis, where compliance with the chronic criteria is not technically feasible. In such cases mixing zones shall be established consistent with 40 C. F. R. Pt. 132, Appendix F, Procedure 3. In no case will mixing be permitted in biologically or recreationally sensitive areas. In no case may the acute criteria be exceeded.
- 7-10. Natural native biological/ecological communities associated with Waters of the Reservation and their biotic and abiotic components and relationships shall be protected.
- 7-11. Waters of the Reservation shall not be degraded below their present water quality nor shall new or increased discharges be permitted unless it is determined by the Environmental Department that the accompanying water quality degradation from such discharges will provide unique benefits in accordance with Section 6-7 and Section 6-8. All existing and designated uses shall be protected at all times.
- 7-12. Any activities that degrade the aesthetic quality, stability and/or ecological integrity of the Waters of the Reservation shall be prohibited unless authorized in a manner consistent with the water quality standards contained herein.
- 7-13. The discharge of toxicants into the Waters of Reservations that are known or found to be synergistic with other pollutants shall be addresses on a case by case basis.
- 7-14. For substances where numeric criteria have not yet been adopted by the Oneida Nation, the numeric criteria and methodologies in 40 C. F. R. Pt. 132, Appendices A-D shall be used and are incorporated into these standards by reference.

Article IX. Designated Uses

- 9-1. All of the following categories of designated uses shall apply to all Waters of the reservation except where noted.

- 9-2. *Public Water Supply.* Waters specifically designated as suitable or intended to become suitable for providing an adequate supply of drinking water for the continuation of the health, safety and welfare of the Nation's members and residents of the Oneida Reservation.
- 9-3. *Wildlife.* All surface waters capable of providing a water supply and vegetative habitat for the support and propagation of all wildlife located within the exterior boundaries of the Oneida Nation Reservation.
- 9-4. *Aquatic Life.* Waters of the Reservation shall be categorized as one the following:
1. *Cold Water Ecosystems:* Waters of the Reservation where water temperature, habitat and other characteristics are suitable or intended to be suitable for the support and propagation of cold water fish and other aquatic life, or serving as a spawning or nursery area for cold water fish species. Examples of cold water fish include brook trout and rainbow trout. Trout Creek, Lancaster Brook and associated tributaries are hereby designated as cold water ecosystems.
 2. *Warm Water Ecosystems:* Waters of the Reservation where water temperature, habitat and other characteristics are suitable or intended to be suitable for support and propagation of warm water fish and other aquatic life, or serving as a spawning or nursery area for warm water fish species. Examples of warm water fish species include large mouth bass and bluegills. All Waters of the Reservation are hereby designated as warm water ecosystems except those mentioned in Section 9-4(a).
- 9-5. *Subsistence Fishing.* Water of the Reservation where spearing, netting or bow fishing is allowed as stated in the Oneida Conservation Hunting and Fishing Law.
- 9-6. *Cultural.* Waters that are suitable or intended to be suitable for traditional, cultural, historic and modern ceremonial uses which uses which may include, but are not limited to the harvest and use of medical plants and wildlife associated with aquatic, wetland and riparian habitats; cultural educational uses including but not limited to ethnohydrological learning experiences that are passed from one generation to the next regarding the harvest of plants, fish, and animals; subsistence fishing; and activities that may require the protection of sensitive and valuable aquatic plant and wildlife, and aquatic, wetland and riparian habitat.
- 9-7. *Recreation.*
1. *Primary Contact Recreational:* Waters that are suitable for activities involving prolonged human contact where the risk of ingesting small quantities of water is likely; examples of this type of activity include, but are not limited to, swimming, tubing, rafting, skin diving, etc. The Norbert Hill Pond is hereby designated as a primary contact recreational area.
 2. *Secondary Contact Recreational:* Waters that are suitable for activities in which human contact with the water may, but need not occur and in which the probability of ingesting raw water is unlikely. Examples of this type of activity include, but are not limited to, fishing, wading, boating, etc. All Waters of the Reservation are hereby designated as secondary contact recreational areas except for those mentioned in Section 9-5(a).
- 9-8. *Agricultural.* Waters that are suitable for crop irrigation and livestock ingestion.
- 9-9. *Navigational.* Waters that are suitable for navigation in and on the water.
- 9-10. *Industrial.* Waters that are suitable for manufacturing and/or production enterprises.